

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: ETHICON, INC., PELVIC REPAIR  
SYSTEM PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

(SEE ATTACHED SCHEDULE)

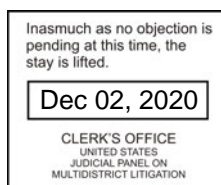
**CONDITIONAL REMAND ORDER**

The transferee court in this litigation has advised the Panel that coordinated or consolidated pretrial proceedings in the action(s) on this conditional remand order have been completed and that remand to the transferor court(s), as provided in 28 U.S.C. § 1407(a), is appropriate.

IT IS THEREFORE ORDERED that the action(s) on this conditional remand order be remanded to its/their respective transferor court(s).

IT IS ALSO ORDERED that, pursuant to Rule 10.2 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the transmittal of this order to the transferee clerk for filing shall be stayed 7 days from the date of this order. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel. This order does not become effective until it is filed in the office of the Clerk for the United States District Court for the Southern District of West Virginia.

IT IS FURTHER ORDERED that, pursuant to Rule 10.4(a), the parties shall furnish the Clerk for the Southern District of West Virginia with a stipulation or designation of the contents of the record to be remanded.



FOR THE PANEL:

A handwritten signature in black ink, appearing to read "John W. Nichols", written over a horizontal line.

John W. Nichols  
Clerk of the Panel

**IN RE: ETHICON, INC., PELVIC REPAIR  
SYSTEM PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

**SCHEDULE FOR CRO**

<b>TRANSFeree</b>			<b>TRANSFEROR</b>			<b><u>CASE CAPTION</u></b>
<b><u>DIST</u></b>	<b><u>DIV.</u></b>	<b><u>C.A.NO.</u></b>	<b><u>DIST</u></b>	<b><u>DIV.</u></b>	<b><u>C.A.NO.</u></b>	
WVS	2	13-26013	MOE	4	13-01118	Deatherage v. Johnson & Johnson et al
WVS	2	15-06033	VT	2	15-00094	Warhol v. Anne Viselli M.D.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

IN RE: ETHICON, INC.  
PELVIC REPAIR SYSTEMS  
PRODUCTS LIABILITY LITIGATION

MDL 2327

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THIS DOCUMENT RELATES TO CASES  
IDENTIFIED ON EXHIBIT A

**ORDER AND SUGGESTION OF REMAND**

Pursuant to 28 U.S.C. § 1407 and the Rules for Multidistrict Litigation promulgated thereunder, specifically Rule 10.1(b), the court suggests that the cases on Exhibit A be remanded to the United States District Courts from which they came, as identified on Exhibit A. The cases were transferred by the Judicial Panel on Multidistrict Litigation (“JPML”) and are related to MDL 2327 (“Ethicon MDL”), 2:12-md-2327, one of seven MDLs assigned to me by the JPML. The seven MDLs combined totaled over 100,000 cases since inception.

Of the approximately 39,616 cases originally filed in or transferred to the Ethicon MDL, 79 remain. Of the remaining 79 cases, 2 are listed on Exhibit A and are ready to be remanded to the jurisdictions from which they came. In particular, no MDL defendants remain in the *Warhol* case on Exhibit A. In both cases, the time to conduct discovery is complete and the parties have had time to file dispositive and *Daubert* motions, responses and replies.

For the convenience of the parties and in order to promote the final resolution of these cases, it appears to the court that the cases would be more expeditiously concluded in the venues

from which they arise. *Upon remand, I urge the receiving court to immediately set these cases for trial without reopening discovery. Further discovery will only result in unjust delay. Extensive development of these cases over a period of years has made such further action completely unnecessary.*

On or before **November 27, 2020 (7 days from the date of this order)**, the parties are **ORDERED** to confer and to file *in their individual case*, all documents from the main MDL that the parties jointly deem relevant to constitute an appropriate record for the receiving court to consider. When filing the documents from the main MDL, the parties are directed to use the CM/ECF event entitled “Designation of Record for MDL Transfers” (available under Civil > Other Filings > Other Documents). When completing the event, the “Main Document” should be the list of joint designations from the main MDL, and the “Attachments” should be each individual document on the joint designation list with the “Description” being the ECF number and a brief description of the document (i.e. ECF 96 – Defendant’s Motion for Summary Judgment).

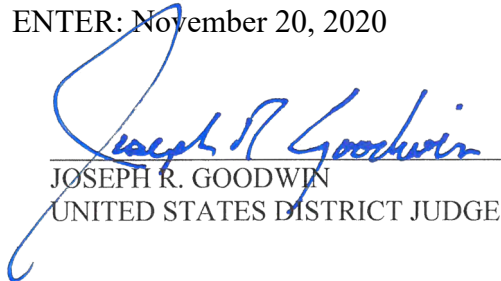
The court **ORDERS** that upon receipt and filing of an order to remand from the Clerk of the JPML (hereinafter the “Transfer Date”), the Clerk of this court, pursuant to 28 U.S.C. § 1407, shall remand the cases to the jurisdictions identified on Exhibit A. If the cases remain pending on the Transfer Date, they must be remanded, and the parties shall bear the consequences in the receiving court of any failure to prepare an appropriate record as directed in this order. The parties and the receiving court are advised that all Pretrial Orders entered in this matter are available for review on the court’s website at [www.wvsc.uscourts.gov/MDL/2327/orders.html](http://www.wvsc.uscourts.gov/MDL/2327/orders.html), and the master docket sheet can be found on this court’s CM/ECF at 2:12-md-2327. *Finally, the court advises the parties that while the docket of these individual cases will be remanded to the receiving court, it*

*is the parties' responsibility to follow the receiving court's procedure for identifying any individual motions that remain pending and in need of ruling.*

On the Transfer Date, the Clerk is hereby **DIRECTED** to use the appropriate function in CM/ECF to extract the cases on Exhibit A and remand them to the jurisdictions identified on Exhibit A. After remand of the cases, the Clerk is **DIRECTED** to formally dismiss the cases and strike them from the docket of this court.

The court further **DIRECTS** that a copy of this Order and Suggestion of Remand and Exhibit A be filed in the cases on Exhibit A and sent to the Clerk of the MDL Panel and counsel of record or any unrepresented party.

ENTER: November 20, 2020



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

Exhibit A

	<b>Case Number</b>	<b>Case Name</b>	<b>Venue</b>
1	2:15-cv-06033	Warhol v. Anne Viselli, M.D.	D Vermont
2	2:13-cv-26013	Deatherage v. Johnson & Johnson, <i>et al.</i>	ED Missouri

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**United States**

**United States Judicial Panel on Multidistrict Litigation**

**Notice of Electronic Filing**

The following transaction was entered on 12/02/2020 at 09:55:22 AM EST and filed on 12/02/2020

**Case Name:** IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

**Case Number:** [MDL No. 2327](#)

**Filer:**

**Document Number:**

**Docket Text:**

**\*\*\*TEXT ONLY ENTRY\*\*\***

**MINUTE ORDER - TO INVOLVED CLERKS - Conditional Remand Order Finalized on 12/2/2020. Please see pleading ([3693] in MDL No. 2327, 18 in MOE/4:13-cv-01118, 8 in VT/2:15-cv-00094).**

**A copy of the transferee court's Suggestion of Remand from the transferee court is attached to the Conditional Remand Order.**

**As stipulated in Rule 10.2(b) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, transmittal of the order has been stayed 7 days to give any party an opportunity to oppose the remand. The 7-day period has now elapsed, no opposition was received, and the order is directed to you for filing.**

**The order was entered pursuant to 28 U.S.C. 1407(a) which provides that each action so transferred by the Panel shall be remanded by the Panel at or before the conclusion of such pretrial proceedings to the district from which it was transferred. Parties are to furnish S.D. West Virginia with a stipulation or designation of the contents of the record to be remanded and all necessary copies of any pleading or other matter filed to comply with the remand order.**

**Signed by Clerk of the Panel John W. Nichols on 12/2/2020.**

**Associated Cases: MDL No. 2327, MOE/4:13-cv-01118, VT/2:15-cv-00094 (LH)**

**Case Name:** Deatherage v. Johnson & Johnson et al

**Case Number:** [MOE/4:13-cv-01118](#)

**Filer:**

**Document Number:**

**Docket Text:**

**\*\*\*TEXT ONLY ENTRY\*\*\***

**MINUTE ORDER - TO INVOLVED CLERKS - Conditional Remand Order Finalized on 12/2/2020. Please see pleading ([3693] in MDL No. 2327, 18 in MOE/4:13-cv-01118, 8 in VT/2:15-cv-00094).**

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**Signed by Clerk of the Panel John W. Nichols on 12/2/2020.**

**Associated Cases: MDL No. 2327, MOE/4:13-cv-01118, VT/2:15-cv-00094 (LH)**

**Case Name:** Warhol v. Anne Viselli M.D.

**Case Number:** [VT/2:15-cv-00094](#)

**Filer:**

**Document Number:**

**Docket Text:**

**\*\*\*TEXT ONLY ENTRY\*\*\***

**MINUTE ORDER - TO INVOLVED CLERKS - Conditional Remand Order Finalized on 12/2/2020. Please see pleading ([3693] in MDL No. 2327, 18 in MOE/4:13-cv-01118, 8 in VT/2:15-cv-00094).**

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**As stipulated in Rule 10.2(b) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, transmittal of the order has been stayed 7 days to give any party an opportunity to oppose the remand. The 7-day period has now elapsed, no opposition**



**was received, and the order is directed to you for filing.**

**The order was entered pursuant to 28 U.S.C. 1407(a) which provides that each action so transferred by the Panel shall be remanded by the Panel at or before the conclusion of such pretrial proceedings to the district from which it was transferred. Parties are to furnish S.D. West Virginia with a stipulation or designation of the contents of the record to be remanded and all necessary copies of any pleading or other matter filed to comply with the remand order.**

**Signed by Clerk of the Panel John W. Nichols on 12/2/2020.**

**Associated Cases: MDL No. 2327, MOE/4:13-cv-01118, VT/2:15-cv-00094 (LH)**

**No public notice (electronic or otherwise) sent because the entry is private**

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**United States**

**United States Judicial Panel on Multidistrict Litigation**

**Notice of Electronic Filing**

The following transaction was entered on 12/2/2020 at 9:49 AM EST and filed on 12/2/2020

**Case Name:** IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

**Case Number:** [MDL No. 2327](#)

**Filer:**

**Document Number:** [3693](#)

**Docket Text:**

**CONDITIONAL REMAND ORDER FINALIZED - 2 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.**

**Signed by Clerk of the Panel John W. Nichols on 12/2/2020.**

**(Attachments: # (1) Suggestion of Remand)**

**Associated Cases: MDL No. 2327, MOE/4:13-cv-01118, VT/2:15-cv-00094 (LH)**

**Case Name:** Warhol v. Anne Viselli M.D.

**Case Number:** [VT/2:15-cv-00094](#)

**Filer:**

**Document Number:** [8](#)

**Docket Text:**

**CONDITIONAL REMAND ORDER FINALIZED - 2 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.**

**Signed by Clerk of the Panel John W. Nichols on 12/2/2020.**

**(Attachments: # [1] Suggestion of Remand)**

**Associated Cases: MDL No. 2327, MOE/4:13-cv-01118, VT/2:15-cv-00094 (LH)**

**Case Name:** Deatherage v. Johnson & Johnson et al

**Case Number:** [MOE/4:13-cv-01118](#)

**Filer:**

**Document Number:** [18](#)

**Docket Text:**

**CONDITIONAL REMAND ORDER FINALIZED - 2 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.**

**Signed by Clerk of the Panel John W. Nichols on 12/2/2020.**

**(Attachments: # [1] Suggestion of Remand)**

**Associated Cases: MDL No. 2327, MOE/4:13-cv-01118, VT/2:15-cv-00094 (LH)**

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